

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FELIPE RODRIGUEZ,

**DECLARATION OF MARK
D. ZUCKERMAN**
Plaintiff,

-against-

THE CITY OF NEW YORK, et. al.,

21 CV 1649 (AMD)(RLM)

Defendants.
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MARK D. ZUCKERMAN, an attorney duly admitted to practice in the State of New York and the Eastern District of New York, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am a Senior Counsel in the office of Georgia M. Pestana, Corporation Counsel of the City of New York, attorney for defendants City of New York, John Beisel, George Zaroogian, John Califano, John Wilde and Jerry Fennel. As such, I am familiar with the facts stated below and submit this declaration to place the relevant information and document on the record in support of defendants' motion to dismiss pursuant to Rule 12(b)(6), Fed. R. Civ. P.

2. Annexed hereto as Exhibit A is a true and exact copy of a decision and order in People v. Rodriguez, Index No. 1568/1989, Supreme Court, County of Queens.

3. Annexed hereto as Exhibit B is a true and exact copy of the "Dismissal of Conviction" in People v. Rodriguez, Index No. 1568/1989, Supreme Court, County of Queens.

4. Annexed hereto as Exhibit C is a true and exact copy of the Affirmation in Support of Motion to Vacate Sentence Pursuant to C.P.L. §444.10 and the People's Affirmation in response thereto in People v. Rodriguez, Index No. 1568/1989, Supreme Court, County of Queens.

5. Annexed hereto as Exhibit D is a true and exact copy of a decision of Justice Ralph Sherman in Index No. 1568/1989, Supreme Court, County of Queens.

6. Annexed hereto as Exhibit E is a true and exact copy of a Memorandum and Order of the Hon. Eugene H. Nickerson of August 7, 2001, in Rodriguez v. Greiner, 97 CV 3563 (E.D.N.Y.), and Judgment.

Dated: New York, New York
August 26, 2021

/s/ Mark D. Zuckerman
Mark D. Zuckerman